



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	BOARD OF FUNERAL SERVICES
MEETING DATE AND TIME:	Tuesday, July 31, 2012, 10:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
MINUTES APPROVED:	September 25, 2012

MEMBERS PRESENT

Chad Chandler, Professional Member, President
Harry Fletcher, Professional Member, Secretary
Marceline Knox, Public Member
M.C. Byrd, Public Member
Danna Levy, Public Member

MEMBERS ABSENT

Robert O. Wright, Professional Member
William Torbert, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Patricia Davis-Oliva, Deputy Attorney General
Michele Howard, Administrative Specialist II
Sheryl Paquette, Administrative Specialist III (training)

OTHERS PRESENT

None

CALL TO ORDER

Mr. Chandler called the meeting to order at 10:06 a.m.

REVIEW OF MINUTES

The Board reviewed the minutes of the May 29, 2012 meeting. Mr. Fletcher made a motion, seconded by Ms. Levy, to approve the minutes as presented. The motion carried unanimously.

UNFINISHED BUSINESS

FUNERAL ESTABLISHMENT INSPECTIONS – SUBMIT BILL NEXT LEGISLATIVE SESSION

Ms. Davis-Oliva stated that the bill proposing to grant the Board the authority to inspect funeral establishments will be presented to the Division of Professional Regulation in November. The Division will submit the bill to the legislature in January 2013.

CLARIFICATION OF CONTINUING EDUCATION APPROVALS FROM DELMARVA FUNERAL SERVICE ASSOCIATION – MS. HOWARD

Ms. Howard reported that after the Board's May meeting, she contacted Delmarva Funeral Service Association on the Board's behalf regarding its questions about continuing education approvals. Ms. Howard confirmed that the Association is relying on Board Rule 9.4.3, which states that CE programs approved by other state boards that license funeral directors are automatically approved in Delaware. DFSA obtains its approvals from the State of Maryland.

After discussion, Mr. Fletcher made a motion, seconded by Ms. Byrd, to amend Rule 9.4.3 to remove the provision that Delaware accept CE approved by other state licensing boards. The motion carried unanimously. Ms. Davis-Oliva will draft the proposed change to Rule 9.4.3 and a public hearing will be held at the Board's September meeting.

CORRESPONDENCE FROM WATSON FUNERAL HOME REGARDING NEW MARYLAND FUNERAL LAW

Mr. Fletcher summarized the correspondence from Watson Funeral Home for the Board, questioning whether the State of Maryland has the authority to inspect funeral homes located in Delaware. Watson Funeral Home is opposed to having Maryland inspect its Delaware establishment. Ms. Davis-Oliva stated that this issue is between the Maryland Board and Maryland licensees, and the Delaware Board should not be involved. Ms. Davis-Oliva stated that Watson Funeral Home should consult with a private attorney for a legal opinion, and added that the Delaware Board does not lobby on behalf of Maryland licensees who live in Delaware.

NEW BUSINESS

RATIFICATION OF LICENSURE

LaTanya Raynette Davis, Funeral Intern Mr. Fletcher made a motion, seconded by Ms. Knox, to ratify the intern licensure of LaTanya Raynette Davis. The motion carried unanimously.

REVIEW OF RESIDENT INTERN REPORTS

None

REVIEW OF APPLICATIONS FOR LICENSURE

None

REVIEW OF APPLICATIONS FOR CONTINUING EDUCATION APPROVAL

Funeral Finder, *Improving Your Online Presence*, Dates & Locations TBD, Requesting 1.0 CEU

Mr. Fletcher and Mr. Chandler reviewed the application. Mr. Fletcher made a motion, seconded by Ms. Knox, to approve the program as presented for 1.0 CEU. The approval is for the next licensure period, 9/1/12 through 8/31/14. The motion carried unanimously.

All Star Training, Inc., *Various Topics for Funeral Directors/Embalmers*, Online Course, Requesting 5.0 CEUs

Mr. Fletcher and Mr. Chandler reviewed the application. Mr. Fletcher made a motion, seconded by Ms. Knox, to approve the program as presented for 5.0 CEUs. The approval is for the next licensure period, 9/1/12 through 8/31/14. The motion carried unanimously.

All Star Training, Inc., *Renewal Funeral Directors/Embalmers*, Online Course, Requesting 5.0 CEUs

Mr. Fletcher and Mr. Chandler reviewed the application. Mr. Fletcher made a motion, seconded by Ms. Levy, to approve the program as presented for 5.0 CEUs. The approval is for the next licensure period, 9/1/12 through 8/31/14. The motion carried unanimously.

EXECUTIVE ORDER NUMBER 36 – MS. DAVIS-OLIVA

Ms. Davis-Oliva summarized Executive Order Number 36 for the Board.

REQUEST FROM DELAWARE STATE FUNERAL DIRECTORS ASSOCIATION FOR BOARD MEMBER OR DAG TO ATTEND 9/20/12 DSFDA MEETING AT DOVER DOWNS TO DISCUSS NEW ADVERTISING REGULATIONS

Ms. Howard read aloud an email from DSFDA requesting that a Board member or the Board's attorney attend its meeting on 9/20/12 at Dover Downs to discuss the Board's new advertising regulations. Mr. Fletcher recommended that Ms. Davis-Oliva attend the meeting on the Board's behalf. Ms. Davis-Oliva agreed to attend the meeting at 7:00 p.m., but declined the dinner from 6:00 – 7:00. Ms. Howard will notify DSFDA.

DISCUSSION OF 2010-2012 CONTINUING EDUCATION AUDIT – PERCENTAGE OF LICENSEES TO AUDIT

Ms. Howard reported that the Board has historically audited 10% of licensees, and that there are currently 194 licensed Funeral Directors in the State of Delaware. Ms. Levy made a motion, seconded by Ms. Byrd, to audit 10% of Funeral Directors for the 2010-2012 licensure period. The motion carried unanimously.

COMPLAINT UPDATES AND CONSENT AGREEMENTS

COMPLAINT UPDATES

Complaint 27-05-10 (Wright) Pending Hearing by DPR Hearing Officer

Complaint 27-05-12 New Complaint Assigned to Mr. Chandler

Mr. Chandler stated the above listed updates for Complaints 27-05-10 and 27-05-12.

CONSENT AGREEMENTS

Complaint 27-05-11 Keith Downey – Request to Lift Probation

Complaint 27-06-11 John Holloway – Request to Lift Probation

Ms. Davis-Oliva advised that Board that Mr. Downey and Mr. Holloway have each met the conditions of their respective Consent Agreements.

After discussion, Ms. Levy made a motion, seconded by Ms. Knox, to lift the probation of Keith Downey's Funeral Director license. The motion carried unanimously.

Ms. Byrd made a motion, seconded by Ms. Knox, to lift the probation of John Holloway's Funeral Director license. The motion carried unanimously.

Complaint 27-01-11 Thomas Trader – Consider Consent Agreement

The Board reviewed the Consent Agreement for complaint 27-01-11 (Thomas Trader). Mr. Fletcher recused himself from the discussion and vote as the assigned Board contact. Ms. Byrd and Ms. Knox questioned what would happen if the Board decided not to accept the Consent Agreement. Ms. Davis-Oliva advised that the State Prosecutor could negotiate a new agreement, request that a hearing be scheduled, or drop the case altogether.

Ms. Byrd stated that she had an issue with item 17c of the proposed agreement, which stated that the Respondent was not making an admission of guilt. Ms. Davis-Oliva clarified that if the Board does not accept the agreement, then it is not an admission of guilt on the Respondent's part.

Ms. Byrd stated that she is uncomfortable with terms of the agreement because the Respondent has had a previous issue before the Board. Ms. Davis-Oliva questioned, and Ms. Howard confirmed, that the Respondent had a disciplinary hearing before the Board regarding a separate complaint last year.

Mr. Chandler stated that he does not believe the punishment proposed fits the crime. Ms. Levy, Ms. Knox and Ms. Byrd agreed with Mr. Chandler that the punishment should be more severe. Mr. Chandler and Ms. Byrd stated that the \$1500 fine is not high enough. Ms. Davis-Oliva advised the Board's statute allows for a \$500 fine per violation, and that the State was alleging 3 violations. Ms. Davis-Oliva advised the Board of the range of discipline it could impose.

After further discussion, Ms. Byrd made a motion, seconded by Ms. Levy, to deny the Consent Agreement as presented, and to recommend the following discipline to the Prosecutor: Suspension for 1 year, followed by probation for 1 year, a \$1500 fine, and 10 CEUs in addition to the 10 CEUs required for license renewal. The Board further clarified that 5 of the additional CEUs should focus on managing grief and 5 of the additional CEUs should focus on ethics. The motion passed by a majority vote, with Mr. Fletcher recused.

OTHER BUSINESS BEFORE THE BOARD (for discussion only) - None

PUBLIC COMMENT - None

NEXT MEETING

The next Board meeting will be held on Tuesday, September 25, 2012, at 10:00 a.m. in Conference Room B located on the second floor of the Cannon Building at 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business, Ms. Byrd made a motion, seconded by Ms. Knox, to adjourn the meeting at 11:00 a.m. The motion to adjourn carried unanimously.

Respectfully submitted,



Michele Howard
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.